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TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [BA](#)
SUBJECT: POST INPUT FOR TRAFFICKING IN PERSONS REPORT

REF: STATE 2731

1. (SBU) Bahrain continues to struggle with trafficking in persons, but has taken some positive steps during the past year. The King signed into law new anti-trafficking legislation that carries stiff penalties. Prosecutors and police officers have received training on identification and protection of trafficked victims, and attempted to apply that training when dealing with high-threat populations. The new Labor Management Regulatory Authority began implementing labor reforms aimed at decreasing the demand for migrant labor, a step that would benefit migrant laborers who remain in country as well as poor, disenfranchised Bahrainis. In Embassy Manama's view, keeping Bahrain on Tier 3 would amount to the USG failing to recognize that Bahrain has taken some significant steps toward eliminating trafficking. Moving Bahrain to Tier 2-Watchlist could provide a boost to anti-trafficking elements in the GOB and in civil society, and send the message that Bahrain can benefit by moving in the right direction. That said, there remains much work left to do.

2. (U) Post's point of contact for Trafficking in Persons is PolOff Steve Jacob, 973.1724.2834 / 202.448.5131, ext 2834, fax 973.1727.3011. The preparation of the TIP report cable required an FS-05 to work 45 hours. The responses below are keyed to reftel queries:

3. (SBU) REFTEL Question 27 - Overview of host country's efforts to eliminate trafficking in persons.

--A. (SBU) Bahrain is a destination country for internationally trafficked men and women. Most male victims are trafficked to Bahrain as construction labor and occasionally as domestic labor. Most female victims are trafficked to Bahrain as domestic or hospitality labor (including for hotels and restaurants), and, occasionally, as field labor. There have been no reports of children being trafficked. There are no reports of trafficking occurring within the country's borders, and there is no national territory outside of the government's control. Post has requested trafficking statistics from the government,

including Ministry of Foreign Affairs, Ministry of Justice and Islamic Affairs, Public Prosecution, Ministry of Interior, General Directorate of Nationality, Passports, and Residence, Ministry of Social Development, Ministry of Labor and the Labor Market Regulatory Authority. By the March 1 deadline, we had not received responses to all 150 questions posed refTel; post will transmit an update when these replies are received. Other sources of information post drew on include the press, International Organization for Migration, and Migrant Workers Protection Society. The Migrant Workers Protection Society, while the organization closest to the trafficked population, maintains no case records or statistics. Foreign embassy sources provide useful information, but due to limited resources their reports are almost all anecdotes about individual cases. There are approximately 517,000 expatriates in Bahrain. Indian nationals comprise the largest single group of laborers, and by extension the largest potential group of victims. Since the labor laws do not cover domestic labor, female domestic workers of all nationalities are the most at risk of trafficking.

--B. (SBU) The GOB has taken several steps to combat trafficking over the last year. The most significant step was the enactment a comprehensive anti-trafficking in persons law on January 9, 2008. This law defines trafficking, prescribes specific penalties for violations, and grants authority for an intragovernmental committee to oversee the welfare of victims. In addition, the Ministry of Interior created a specialized unit to investigate trafficking cases. Nonetheless, some victims continue to suffer from contract substitution and debt bondage as they enter squalid living conditions, where they sometimes work long hours for minimal pay. Primary source countries continued to be India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, and the Philippines. To a lesser extent, Ethiopia, Eritrea, Morocco, and countries of the former Soviet Union were also source countries. The primary traffickers are employment recruitment agencies in both Bahrain and the sending countries. Some victims described recruitment agents approaching them in their home countries with offers of desirable and lucrative employment in Bahrain. Upon arrival, these people faced poor salaries, long hours, squalid living conditions, and heavy debts to employers and the recruitment agencies.

--C. (SBU) The Ministry of Foreign Affairs chairs an interagency anti-trafficking in persons committee. The Ministries of Labor, Interior, Justice and Islamic Affairs, Social Development, and Health, as well as the Labor Market Regulatory Authority (LMRA), Central Informatics Organization (CIO), General Directorate for Nationality, Passports, and Residence (GDNPR) participate. In November, 2007, the Ministry of Interior formed a special unit to investigate trafficking cases, and in particular, forced prostitution and sex trafficking.

--D. (SBU) Legal barriers were removed on January 9 when the anti-TIP law entered into force. In post's assessment there are no resource barriers to the GOB's efforts to combat TIP. It is unclear what role corruption may play in dampening political will to combat trafficking. Though post has no evidence of corruption, many observers believe that influential Bahraini figures benefit from trafficking and use their connections to avoid enforcement efforts.

--E. (SBU) The inter-ministerial task force continues to meet to monitor and assess GOB progress on different fronts, however it rarely made available its progress reporting. The Labor Management Regulatory Agency and the Ministry of Labor have made continual efforts to monitor and publish the number of laborers in country, however, no other organizations do so.

14. (SBU) REFTEL Question 28 - Investigation and prosecution of traffickers.

--A. (SBU) On January 9, 2008, Bahrain enacted law number 1 of 2008 with respect to trafficking in persons. The law

specifically prohibits trafficking in persons for sexual and non-sexual purposes. The law defines trafficking in persons as "the recruitment, transportation, transfer, harboring, or receiving persons, by means of threat or the use of force or other forms of coercion, abduction, fraud, deceit, abuse of power or of position or any other direct or indirect unlawful means." Prior to January 9, trafficking cases were prosecuted under laws pertaining to forced labor, unjustifiable withholding of salary, unlawful holding of an employee's passport, assault, and forced prostitution.

--B. (SBU) The new law does not differentiate between purposes of trafficking; however trafficking of women, or persons under the age of 15 are considered aggravating circumstances, as is the transmission of an incurable disease. Under the law, any individual convicted of any form of trafficking faces a prison sentence of not less than three years and not more than 15 years, in addition to a fine of not less than BD 2,000 (approximately USD 4,530) and not more than BD 10,000 (approximately USD 22,650). Sentencing under aggravating circumstances is doubled, and increases the maximum prison sentence to life. Each corporate person convicted of trafficking in the name of, on behalf of, or to the benefit of the chairman, a member of the board of directors, or any other corporate official acting in their corporate capacity faces a fine of not less than BD 10,000 (approximately USD 22,650) and not more than BD 100,000 (approximately USD 226,500), in addition to the cost of repatriating the victim to their home country. The GOB did not provide data on sex traffickers, or victims of trafficking by the March 1 deadline. According to press reports, the Lower Criminal Court convicted two Bahrainis and an Iraqi on charges of coercing into prostitution several dancers at a Manama hotel through the use of threats and intimidation. All three men received two-year prison sentences.

--C. (SBU) The new law does not differentiate between purposes of trafficking. Under the law, any individual convicted of any form of trafficking faces a prison sentence of not less than three years and not more than 15 years, in addition to a fine of not less than BD 2,000 (approximately USD 4,530) and not more than BD 10,000 (approximately USD 22,650). Each corporate person convicted of trafficking in the name of, on behalf of, or to the benefit of the chairman, a member of the board of directors, or any other corporate official acting in their corporate capacity faces a fine of not less than BD 10,000 (approximately USD 22,650) and not more than BD 100,000 (approximately USD 226,500), in addition to the cost of repatriating the victim to their home country. Employers found guilty of imposing forced labor on employees are subject to imprisonment of up to ten years and/or a fine.

Court cases against employers were rare because plaintiffs often could not afford legal representation and were frequently barred from other employment. The GOB did not provide data by the March 1 deadline on persons convicted of confiscating workers' passports or travel documents, switching contracts without workers' consent, or withholding payment of salaries as a means of keeping the worker in a state of service.

--C (cont). (SBU) On January 1, new foreign labor regulations took effect for government organizations. The regulations are scheduled to take effect for the private sector on July 1, and for domestic workers in early 2009. Previously, the Ministry of Labor issued blank work permits to every registered corporation. These permits, which did not identify a specific laborer, prohibited the employee from seeking other employment without the employer's permission. Under the new regulations, the Ministry of Labor does not issue blank permits to employers, but works with the employer, the job seeker, and other government agencies to issue a work visa prior to the employee's arrival in country. Upon arrival, the LMRA registers the employee's biographic data to prevent abuse or transfer of the visa. The work visa is transferable to a new employer. In addition, the LMRA charges employers a monthly fee of BD 10 (USD 26.50) for each expatriate laborer in order to ensure continual reporting of

expatriate labor and to reduce the demand for expatriate labor. According to LMRA rules, this fee should not be passed down to the laborer. As of February 11, 75 inspectors had been hired and had begun visiting employers to ensure compliance.

--D. (U) Rape of a female is punishable by a sentence of up to ten years in prison, and rape of a male can result in imprisonment of up to seven years unless the male victim is under 17 years of age, in which case the perpetrator can be imprisoned up to ten years. The penalties under the new trafficking law are more stringent, entailing both a fine and a prison sentence of between three and 15 years.

--E. (SBU) Current law criminalizes both prostitution and solicitation of prostitution. The activities of procurers of prostitutes, such as pimps or brothel operators, are also criminalized. Public Prosecution reported that the number of prostitutes jailed cannot be determined because in some cases the prostitutes are considered victims. Nonetheless, Public Prosecution received 122 prostitution cases. Sentences for individuals who "encouraged the practice of prostitution" varied between ten days and two years in prison. Sentences for those who "managed an establishment for the practice of prostitution," ranged from three months to three years in prison.

--F. (SBU) The GOB had not responded by March 1 to post's request for statistics pertaining to convictions on trafficking related offenses during the reporting period. In calendar year 2007, the Ministry of Labor transferred 821 labor cases against sponsors to the Public Prosecution for investigation and trial, however, no further information is presently available to post.

--G. (SBU) The GOB included a module devoted to trafficking in the eight-week training course on international law given to newly-appointed public prosecutors. The GOB has encouraged its officials to participate in trafficking related programs on how to recognize, investigate, and prosecute instances of trafficking. In October, the International Organization for Migration (IOM) conducted a follow-up survey on the training it conducted, using USG funds, with the GOB. To date, post has not received the IOM report. In cooperation with several GOB ministries, IOM initiated a new capacity-building program that will, among other things, enable the GOB to monitor trafficking cases on its own.

--H. (SBU) The Ministry of Foreign Affairs has asked the embassies of sending countries to inform it of any efforts they make to contact sponsors or mediate disputes between expatriate workers and their employers. The MFA, GDNPR, Ministry of Justice and Islamic Affairs, and the Public Prosecution office work with the Migrant Workers Protection Society and the embassies of some sending countries to facilitate mediation of labor disputes.

--I. (SBU) There are no known trafficking-related extradition requests filed with the GOB. Bahrain is party to a number of bilateral extradition treaties and some multinational arrangements, including the Arab Agreement to Combat Trans-Arab Organized Crime and the Arab Agreement to Combat Terrorism.

--J. (SBU) There is no evidence available to post of official government involvement in or tolerance of trafficking. However, in activist and expat labor circles there are widespread rumors of unnamed officials providing Bahrainis with authorization to sponsor more expatriate workers than they could reasonably employ. Expatriate laborers also report rumors that unnamed government officials in their private capacities, like some other wealthy Bahrainis, have withheld domestic employees' passports and salaries. Some reportedly engaged in the illegal practice of "selling" a visa to a worker for fees exceeding 1000 dinars (\$2650). This practice, referred to as "casual labor," allowed the worker who purchased the visa to seek employment illegally on the open market. Employers who hired these

workers were subject to fines if caught. However, because they could hire these workers for less than workers hired through recruitment agencies, some reportedly accepted the risk. The Ministry of Labor's system of accountability required that if a laborer left his/her sponsor, the sponsor was required to report the laborer as a "runaway" and to pay a 100 dinar (\$265) deposit, refundable upon repatriation of the worker. Reportedly, after a "casual" worker's two year work permit validity expired, the worker would go back to the original sponsor to "renew" his work permit by "buying" the visa again from the sponsor for a similar sum.

--K. (U) No government officials have been prosecuted for involvement in trafficking or trafficking-related corruption.

--L. (U) Bahrain does not contribute troops to international peacekeeping efforts.

--M. (U) Bahrain does not have an identified child sex tourism problem.

15. (SBU) REFTEL Question 29 - Protection and assistance to victims.

--A. (SBU) The government opened a shelter for women in 2006. Between April 1, 2007 and February 1, 2008, the shelter provided legal services for 45 expatriate women for a variety of causes, the majority of which were beatings. In July, two women, one Ukrainian and one Russian, approached the shelter seeking repatriation and relief from trafficking, which the shelter provided. Between August 1, 2007, and January 31, 2008, the government granted an amnesty for all illegal laborers, whereby they could legalize their status in Bahrain or return to their home country without having to pay fines normally levied for visa overstay. According to the LMRA website, at the end of the amnesty, 12,897 workers returned to their home countries, while 43,445 chose to remain in country either by transferring their visa to a new employer (29,804) or renewing an expired visa (13,641). The press reported slightly higher figures. MWPS volunteers told poloff that during the amnesty, in two cases, they saw sponsors go to the queue in front of the GDNPR office, locate "their" runaway workers, and physically prevent them from registering for the amnesty. MWPS and the media reported that some employers did not grant their employees time off to register.

--B. (SBU) There are several shelters for trafficking victims, especially women. There are no reports of internal trafficking. The government runs its own large shelter that provides services for victims of trafficking victims and of domestic abuse. The MWPS maintains a small shelter for women, and many of the sending countries maintain shelters for their nationals. The government shelter, financed by the Ministry of Social Development, reported providing legal services to 45 expatriate women. The government shelter reportedly referred some victims to the hospital for medical treatment, and to a social worker for psychological services. Post was unable to obtain statistics from the embassies or from the MWPS shelter. The MWPS shelter relies upon community donations for its operation.

--C. (SBU) Although it permits NGOs that serve migrant workers to operate freely in Bahrain, the GOB does not provide funding or other forms of support to foreign or domestic NGOs for services to trafficking victims.

--D. (SBU) A short module on trafficking is included in the initial training for prosecutors and police officers. According to the Public Prosecution office, police officers attempt to identify prostitutes as victims. In most cases victims were given temporary shelter by the police, or taken to the MWPS shelter while the case underwent a preliminary investigation. In cases of physical, sexual, or psychological abuse, the police referred the case to the government-run shelter. In cases where there was an

indication of misconduct on the part of the expatriate worker, the worker was held in detention before being deported. The government did not provide statistics on numbers of victims to post before the reporting deadline of March 1.

--E. (U) Bahrain does not have legalized prostitution.

--F. (SBU) Trafficking victims were not fined or imprisoned unless they were found guilty of an immigration violation or suspected of a crime such as theft or prostitution. Workers who were no longer employed by their sponsor, but who pursued work illegally as "casual" laborers, were detained while being processed for deportation. According to the Ministry of Labor, it did not normally detain workers longer than 48 hours, but detention lengths reportedly varied. According to MWPS, workers who left their employers were frequently charged with running away, and imprisoned for two weeks for being deported.

--G. (SBU) The GOB does not actively discourage workers from pursuing legal action against employers. The GOB reportedly facilitates contact with lawyers, but NGOs report that workers rarely have the money to hire quality attorneys. Immigration officials often adjust residence and sponsorship requirements to enable expatriate victims to work for employers other than their sponsors so that they may support themselves during the legal process. MWPS representatives reported that it no longer encouraged victims of abuse to seek restitution through the court system due to the length of court cases. MWPS has experienced higher levels of success working in conjunction with source country embassy staffs to negotiate settlements with sponsors. Such settlements often included back-payments of salary, repayment of recruiting fees, release of passports and/or sponsorship, and repatriation.

--H. (U) Reference paragraph 4B.

--I. (SBU) Prosecutors and police officers undergo a training module on trafficking as part of their initial training. Post is not aware of any further special training. The GOB had not responded to all reftel questions before the March 1 reporting deadline.

--J. (U) Post is unaware of any Bahraini nationals that are victims of trafficking.

--K. (SBU) The International Organization for Migration occasionally works with trafficking victims in Bahrain, however most of its work has been to provide training, capacity building, and awareness campaigns. In this capacity, the GOB has offered to provide training space, conference space, and support design and printing of awareness materials. Neither the GOB nor IOM provided any additional information to post regarding this question by the March 1 deadline.

16. (SBU) REFTEL question 30 - Prevention.

--A. (SBU) The GOB acknowledges that trafficking is a problem in the country, and a senior Foreign Ministry official presented a speech at the Vienna Forum to Fight Human Trafficking in February, 2008, outlining Bahrain's efforts to combat trafficking.

--B. (U) The Labor Management Regulatory Authority has initiated an education campaign for both employers and incoming labor. The campaign focuses on how employers and employees can ensure the legality of their employment on the LMRA website. On May 29, 2007, the Ministry of Social Development and the Ministry of Foreign Affairs, in cooperation with IOM, organized a symposium entitled, "Trafficking in Persons: A Global and Local Perspective."

--C. (SBU) There was some official coordination between the GOB and civil society concerning trafficking. At the GOB's request, the director of a non-governmental domestic violence

center initially managed the government shelter; however, she withdrew from its management shortly after it opened. The GOB has since attempted to recruit other NGOs to run the shelter; none have accepted the offer for a variety of reasons. The MWPS has developed an adequate network to assist victims. The Ministry of Interior occasionally contacted the MWPS when the police identified victims needing assistance. Embassies also contacted MWPS for assistance with victims. The MWPS received no direct GOB funding, although some Bahraini officials have contributed to the group on an individual basis in connection with its annual fundraising dinner.

--D. (SBU) Under the new LMRA regulations, immigrant workers are screened and biometrically registered upon entry into Bahrain.

--E. (SBU) The inter-ministerial task force coordinates GOB action. The GOB does not have a public corruption task force. Issues of corruption are addressed publicly by periodic government audit reports, Members of Parliament, and by an NGO, the Bahrain Transparency Society. In addition, the new LMRA regulations require cooperation between various internal agencies, including the Ministries of Labor, Interior, and Foreign Affairs, the GDNPR, and the Central Infomatics Organization before a work visa can be issued.

--F. (SBU) The GOB had not responded to post's query by the March 1 deadline. As post reported last year, member ministries of the anti-trafficking task force formulated a national plan of action that includes legislation, a shelter, a trafficking database, phone hotlines, and outreach, among other items. NGOs were not consulted in the process. The plan is an internal document and has not been made public in its official form.

17. (U) REFTEL Question 31 - Heroes.

--A. (U) Post recommends Marietta Dias and the Migrant Workers Protection Society as a trafficking Hero. The Migrant Workers Protection Society is comprised of 38 volunteer members, almost entirely expatriates. The MWPS maintains a small shelter for trafficking victims, and works hard to get the press to publish victims' stories and raise awareness of their plight. MWPS is sure to attend any function where migrant labor is the focus of discussion. It assists laborers in court, facilitates mediation between workers and their sponsors, and educates workers about their rights in Bahrain. It also works with employers to improve working conditions for migrant laborers.

--B. (U) As the head of its action committee Marietta Dias is the face of the MWPS. Ms. Dias, an Indian retiree with no formal training in social work or counseling, works tirelessly to care for migrant laborers from any country. Ms. Dias coordinates her work with embassies, GOB agencies, and welfare groups to seek justice or repatriation for workers. She has worked with many international NGOs to learn more and better ways of improving the treatment of migrant laborers, as well as to increase international awareness of Bahrain's migrant labor force.

18. (U) REFTEL question 32 - Best practices. Post believes that the combination of the new trafficking law and the new LMRA system for issuing work visas provide a legal framework conducive to discouraging trafficking and reducing the demand for migrant labor. LMRA officials admit that its system of biometric controls and increased fees for work visas is aimed at reducing Bahrain's reliance on expatriate labor and encouraging employers to hire Bahraini employees. This reduction in demand, in combination with stiff penalties on traffickers, could reduce the incidence of trafficking.